

**CITY OF NEW HAVEN
BOARD OF ZONING APPEALS
MINUTES
June 18, 2024 6:30
Web-Based Meeting held on Zoom**

Start: 6:34pm End: 9:10pm

Attendance: Michael Martinez, Mildred Melendez, Al Paolillo, Errol Saunders

Staff Present: Laura Brown, Donnell Hilton, Nathaniel Hougrand, Roderick Williams,

I. Call to Order

II. Continued Public Hearings

RE: 24-40-S. 101 Farren Avenue. Special Exception to permit a Full Restaurant Liquor License. Zone: BA. Owner: Edward Angelo. Applicant: Jose Rodriguez.

APPROVED WITH CONDITIONS:

ACTION:

Letters: 0 in favor and 0 in opposition

Testimony: 0 members of the public spoke in favor and 0 in opposition.

Chair Malendez moved to approve, Commissioner Saunders second.

Vote: 4-0

III. New Public Hearings

RE: 24-48-S. 930 & 932 State Street. Special exception to permit a full restaurant liquor permit with live entertainment including acoustics. Zone: BA. Owner: Kin Fai Property Corporation. Applicant: Kenneth Graham.

ACTION: APPROVED WITH CONDITIONS:

Letters: 0 in favor and 1 in opposition: Issues raised: establishment too close to residential dwelling potential noise and late hours.

Applicant reported taking concern into consideration and prior to BZA meeting, changed hours to close hours earlier.

Testimony: 0 members of the public spoke in favor and 0 in opposition.

Chair Malendez moved to approve, Commissioner Paolillo second.

Vote: 4-0

RE: 24-49-V. 34 Mountain Road. Variance to allow a side yard of 7ft where 8ft is required and a building wall height of 17ft where 14ft is permitted to construct an addition onto an existing single-family home. Zone: RS-2. Owner/Applicant:

Shelly Holness.

ACTION: APPROVED:

Letters: 0 in favor; 0 in opposition

Testimony: 0 members of the public spoke in favor and 0 in opposition.

Chair Malendez moved to approve, Commissioner Saunders second.

Vote: 4-0

RE: 24-50-V. 67 Lilac Street. Variance to allow for multiple projections to be located directly up to the front property line (0ft) where a setback of 5ft is required for the construction of entry steps and accessible ramps to an existing structure. Zone: RM-2. Owner/Applicant: Tera Brock.

ACTION: APPROVED (Was skipped over initially as the applicant/representative was not present. Was revisited following item 24-51-V.):

Letters: 0 in favor; 0 in opposition.

Testimony: 0 of the public spoke in favor but two opposition.

Chair Malendez moved to approve, Commissioner Saunders second.

Vote: 4-0

RE: 24-51-V. 28 Elmwood Road. Variances to allow an average building wall height of 19ft where 12ft is permitted, a building coverage of 31% where a maximum of 30% is permitted, and to allow an existing structure located within the rear and side yard setbacks to be converted into a residential accessory dwelling unit (ADU). Zone: RS-2. Owner: Liam Brennan. Applicant: Fernando Pastor

ACTION: APPROVED:

Letters: 3 in favor; 2 in opposition.

Testimony: Four members of the public spoke in favor and one in opposition.

Chair Malendez moved to approve, Commissioner Paolillo second.

Vote: 4-0

RE: 24-52-V. 507 & 509 Winchester Avenue. Variances to permit a front yard of 10.5ft where 17ft is required, a side yard of 0ft where 8ft is required (northerly), and a building wall height of 32ft where 0ft is permitted (northerly) to create an additional dwelling unit within an existing 2-family structure. Zone: RM-2. Owner: Prospect Hill LLC. Applicant: Colin Ryan.

ACTION: APPROVED:

Letters: 0 in favor; 0 in opposition

Testimony: 0 members of the public spoke in favor and 0 in opposition.

**Chair Malendez moved to approve, Commissioner Paolillo second.
Vote: 4-0**

RE: 24-53-S. 50 Arthur Street. Special Exceptions to permit a group daycare home for up to 12 children and to permit 0 off-street parking space where 2 are required. Zone: RM-2. Owner/Applicant: Vincenta Ascencio Brito.

ACTION: REFERRAL TO CITY PLAN COMMISSION: The Applicant, Vincenta Ascencio Brito present to the board and states that she plans to expand her childcare business into a group daycare business. As a result, she will provide additional indoor activity space with a small kitchen and bathroom for children in an accessory structure in the rear of the property.

Letters: 0 in favor; 0 in opposition

Testimony: No members of the public spoke in favor or opposition of the item.

RE: 24-54-V. 282 Exchange Street. Variance to permit a Gross Floor Area (GFA) of 959sf per dwelling unit where 1,000sf is required to create an additional dwelling unit within an existing 2-family structure. Zone: RM-1. Owner/Applicant: Lydia Rivera.

ACTION: APPROVED

Letters: 0 in favor; 0 in opposition

Testimony: No members of the public spoke in favor or opposition of the item.

**Chair Malendez moved to approve, Commissioner Paolillo second.
Vote: 4-0**

RE: 24-56-V, 24-57-CAM. 26 Water Street. Use Variance and Coastal Site Plan Review to permit an 884sf two-sided Off-Premise sign on property not located within the limits of the Bulletin and Spectacular Zoning Map Overlay District and bulk Variances to allow for a maximum sign area of 1,768sf where 900sf is permitted and a maximum height of 63ft where 30ft is permitted. Zone: IH. Owner: Kenneth Mackenzie. Applicant: John Kirirah.

ACTION: REFERRAL TO CITY PLAN COMMISSION: The Applicant, John Kirirah presented to the Board and stated that their use variance and costal site plan application is requested due to the outdated Bulletin and Spectacular Sign Overlay Zone (BSSOZ). The site is in the Flood Hazard Zone and along the Mill River and Long Island Sound; however, the proposed billboard sign will have no impact on costal resources. The Applicant claims that the sign's proposed placement doesn't obscure the view of New Haven Harbor. The Applicant also claimed that difficulty or unreasonable hardship for a Use Variance could be found in the fact that the BSSOZ boundary should have been expanded following the widening of the Interstate 95 during the 1980-1990s. The Applicant cited the staff report supporting the claim that the BSSOZ should have been altered to reflect changes made to the interstate highway. The Applicant provided performance, operational requirements in accordance with Section 60.3 (i)5 and 60 (i)6 because of it not being provided in the original application submission materials.

Deputy Director, Nathaniel Hougrand stated that the non-expansion of the BSSOZ does not constitute a hardship and some of the Applicant's citation of the BZA report was taken out of context as the cited section reads:

“While staff agrees that the boundary area should have been altered to reflect the changes made to the interstate, this in itself does not constitute a hardship. *An appropriate pathway for this remedy is through an amendment to the boundary area of the zoning map through the Board of Alders.*”

The Applicant concluded that if the BSSOZ was proportionally expanded in conjunction with the widening of Interstate 95, their proposed billboard sign would be within the new BSSOZ.

Transportation, Traffic, and Parking report concluded that this proposal presents no major traffic impacts anticipated.

Letters: 0 in favor; 0 in opposition

Testimony: Two members of the public spoke in favor and 0 in opposition of the item: **Mike Mallon (Manufacturer), Richard Rothfelder (Attorney)**

III. Deliberations.

Referral Reports from City Plan Commission

RE: 24-20-V, 24-36- CAM. 314 Lenox Street. Variance to allow for 922sf of gross floor area per dwelling unit where 1,000sf is required. Coastal Site Plan review for an additional dwelling unit in an existing structure. Zone: RM-1. Owner/Applicant: Elien Olmos, ERO Enterprises.

ACTION: APPROVED

**Co-Chair Martinez moved to approve, Commissioner Saunders second.
Vote: 4-0,**

RE: 24-39-S. 670 Washington Avenue. Special Exception to permit a change of use from an existing use (barbershop) to another use (smoke shop/apparel) in a Residential Zone. Zone: RM-2. Owner: Mario Lara. Applicant: Willie Vasquez.

ACTION: DENIED

**Co-Chair Martinez moved to deny, Commissioner Saunders second.
Vote: 3-1 (Commissioner Paolillo Approved)**

RE: 24-41-V, 24-42-CAM. 30 Lenox Street. Use Variance and Coastal Site Plan Review to permit the use of a Flex/Shared Workshop Space within an existing structure located in an Industrial Zoning District. Zone: IH. Owner: Trelleborg Coated Systems. Applicant: Attorney Benjamin Trachten, Trachten Law Firm.

ACTION: APPROVED

Variance: Co-Chair Martinez moved to approve, Commissioner Saunders second.
Vote: 4-0

CAM: Co-Chair Martinez moved to approve, Commissioner Saunders second.
Vote: 4-0

RE: 24-43-S. 146 Greenwich Avenue. Special Exception to permit 0 off-street parking spaces where 1 is required to allow for an additional dwelling unit within an existing 2-family structure. Zone: RM-1. Owner: LBSE Holdings LLC. Applicant: Attorney Benjamin Trachten, Trachten Law Firm.

ACTION: APPROVED

Co-Chair Martinez moved to Approve, Commissioner Sanders second.
Vote: 4-0

Item 4. New Business

4.1 Approval of Meeting Minutes – May 14, 2024

ACTION: APPROVED: Co-Chair Martinez moved to approve, Commissioner Saunders second.
Vote: 3-0, 1 (Chair Malendez abstained)